



UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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PIEDAD GARZON,

Plaintiff,

11 Civ. 5681 (PKC) (AJP)

-against-

ORDER ADOPTING REPORT
AND RECOMMENDATION

JOFAZ TRANSPORTATION, INC.,

Defendant.
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P. KEVIN CASTEL, District Judge:

Magistrate Judge Andrew J. Peck, to whom this case was referred for general pretrial supervision, issued a Report and Recommendation (the "R&R") dated September 20, 2011, which recommended transferring this case to the Eastern District of New York.¹ (Docket # 10.) The R&R advised that parties had fourteen days from service to file any written objections. (R&R at 2.) More than fifty days have passed since the R&R was filed, and the plaintiff has submitted no objections.

As noted by the R&R, the Complaint asserts that plaintiff resides in Rego Park, Queens and worked for defendant Jofaz Transportation, Inc., located at 1 Coffey Street in Brooklyn. (Compl. at 2; R&R at 1.) The R&R accurately noted that Queens and Brooklyn both are in the Eastern District of New York. (R&R at 1.) In stating why the action should not be transferred to the Eastern District of New York, plaintiff stated that "[a]fter two years I am not satisfied with the proceed of them and they gave me the right change to elect one of four federal districts." (R&R at 1.) Magistrate Judge Peck reasonably inferred that this statement likely reflects plaintiff's

¹ I note that the R&R contained the docket number 11 Civ. 5781, as opposed to 11 Civ. 5681. The R&R was, however, docketed under the correct number on September 20, and the docket reflects that the R&R was mailed to the plaintiff. (Docket # 10.) The R & R expressly called plaintiff's attention to Rule 72(b), Fed. R. Civ. P., and 28 U.S.C. § 636(b)(1). Plaintiff received clear notice of the consequences of the failure to object and has waived the right to object to the R & R or obtain appellate review. See Frank v. Johnson, 968 F.2d 298, 300 (2d Cir. 1992); Caidor v. Onondaga County, 517 F.3d 601 (2d Cir. 2008).

dissatisfaction with the EEOC or the State Division of Human Rights, and petitioner's understanding of "four federal districts" arose from districts listed on a generic form. (R&R at 1-2.)

I conclude that the R&R is well reasoned and grounded in law. I adopt the R&R in full, and direct that this action be transferred to the Eastern District of New York.

SO ORDERED.

A handwritten signature in black ink, appearing to read "P. Kevin Castel", written over a horizontal line.

P. Kevin Castel
United States District Judge

Dated: New York, New York
November 10, 2011